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REYNOLDS TECHNICAL  
ASSOCIATES

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May 2, 1997

Mr. William F. Caton, Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

RE: Expression of Continuing Interest  
Allocation of FM Channel 291C3  
Grove Hill, AL  
MM Docket 97-71, RM-8920

Dear Mr. Caton:

Enclosed please find a request for leave to late file  
an expression of interest and the expression of interest in  
the allocation of channel 291C3 at Grove Hill, AL.

The original and four copies of each document are  
included as is a copy labeled " Receipt Stamp Copy." Please  
have someone in your office receipt stamp each receipt stamp  
document and return them in the attached envelope.

This is a re-file since the original filing  
inadvertently used wrong MM Docket Number.

Thank you for your assistance in getting this request  
for leave and the expression of interest filed.

Sincerely,  
REYNOLDS TECHNICAL ASSOCIATES  
  
Paul Reynolds

Enclosure(s)

No. of Copies rec'd  
List ABCDE

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BROADCAST INDUSTRY TECHNICAL CONSULTANTS

**ORIGINAL**

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

In The Matter of )  
 )  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations )  
(Grove Hill, Alabama) )

MM Docket 97 - 71  
RM-8920

RECEIVED  
MAY 13 1997  
FCC MAIL ROOM

To:  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**REQUEST FOR LEAVE TO LATE FILE AN EXPRESSION OF INTEREST**

Capital Assets, Inc. ("Capital"), a Georgia corporation, and permittee of WFOV(FM) Chatom, Alabama, hereby petitions the Commission for permission to late file an expression of interest in the above captioned rule making. Capital was under the impression that a representative of the technical consulting firm which originally prepared the petition was filing the expression. However, due to medical limitations on the party in the consulting firm, the expression of continuing interest was not prepared in time to forward to Capital for signature. It was the understanding of the technical consultant that other provisions were arranged and therefore, it was not until a periodic review that it was discovered no expression of continuing interest was timely filed.

It has long been Commission policy that when no additional parties filed comments in a rule making process petitioners could late file their expression of interest. Such filing was recently allowed in MM Docket 96-174 concerning the allocation of channel 249A to Thomaston, Alabama. See DA-961306. Capital was the only party filing any comments in the proceeding.

Finally, Capital expediently filed an expression of interest after the above error was discovered. However, the office that prepared the expression for Capital made an error in the expression and leave request. The expression and permission for leave inadvertently was filed as MM Docket Number 97-91 instead of the correct MM Docket Number 97-71. This error was discovered by a paralegal reviewing the file of MM Docket 97-91. See attached receipt stamped copies.

Therefore, Capital requests that the Commission accept this late filed expression of interest, with the full understanding that Capital will vigorously pursue the site authorization and construction of WFOV at Grove Hill.

### **CERTIFICATION**

I, Bennie Hewett, President of Capital Assets, Inc.,  
Petitioner for the deletion of channel 291C3 at Chatom and  
the allocation of channel 291C3 at Grove Hill, Alabama (and  
the modification of the WFOV CP accordingly), does hereby  
verify that the statements contained in this Request for  
Leave to Late File an Expression of Interest are true and  
correct to the best of my knowledge and belief. I represent  
that this Petition is not filed for the purpose of impeding,  
obstructing or delaying determination on any other  
application or petition with which it may be in conflict.

Respectfully Submitted,  
CAPITAL ASSETS, INC.



By: Bennie E. Hewett  
Its President

This 12 Day of May, 1997

CAPITAL ASSETS, INC.  
311 Green Street, NE Suite 211  
Gainesville, Georgia 30501

**RECEIPT STAMP**  
**COPY**

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

In The Matter of )  
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Amendment of Section 73.202(b), ) MM Docket 97 - 91  
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(Grove Hill, Alabama) )

To:  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

RECEIVED  
MAY 5 1997  
FEDERAL COMMUNICATIONS COMMISSION

**REQUEST FOR LEAVE TO LATE FILE AN EXPRESSION OF INTEREST**

Capital Assets, Inc. ("Capital"), a Georgia corporation, and permittee of WFOW(FM) Chatom, Alabama, hereby petitions the Commission for permission to late file an expression of interest in the above captioned rule making. Capital was under the impression that a representative of the technical consulting firm which originally prepared the petition was filing the expression. However, due to medical limitations on the party in the consulting firm, the expression of continuing interest was not prepared in time to forward to Capital for signature. It was the understanding of the technical consultant that other provisions were arranged and therefore, it was not until a periodic review that it was discovered no expression of continuing interest was timely filed.

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**COPY**

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Amendment of Section 73.202(b), ) MM Docket 97 - 91  
Table of Allotments, )  
FM Broadcast Stations ) RM-8920  
(Grove Hill, Alabama) )

To:  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**EXPRESSION OF CONTINUING INTEREST**

Capital Assets, Inc. ("Capital"), a Georgia corporation, and permittee of WFOV(FM) Chatom, Alabama, hereby petitions the Commission to accept its Expression of Continuing Interest for the deletion of channel 291C3 at Chatom, Alabama, and the allocation of channel 291C3 to Grove Hill, Alabama, as that Community's first broadcast service. It further expresses an interest that the CP of WFOV be changed accordingly. Capital states that it will immediately secure an antenna site for channel 291C3 at Grove Hill and filed the necessary Form 301 for a construction permit. The application will be filed under the Commission's Duopoly Rules. Upon grant of the CP Capital will immediately construct and operate WFOV at Grove Hill.